

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Guenevere Perry

RECEIVED  
SDNY DOCKET UNIT

2017 JUL 21 PM 3:21

Write the full name of each plaintiff.

CV  
17CV5600  
(Include case number if one has been assigned)

-against-

Mary Ann Liebert Inc.; Georgia State University

Research Foundation

**COMPLAINT**

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

## I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ **Federal Question**

☐ **Diversity of Citizenship**

### A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

Laws Broken: 17 US Code § 106 "Exclusive Rights in Copyrighted Works"; 17 US Code 501 "Copyright Infringement"

Liabilities: 17 US Code 504- "Remedies for infringement: Damages and profits"; 29 US Code § 1109- "Liability for Breach of Fiduciary Duty"

Also, 17 US Code 411 - "Registration and Civil Infringement Actions"; 17 US Code 412- "Registration as prerequisite to remedies for infringement"

IRC 4947(d)(1)(A)

### B. If you checked Diversity of Citizenship

#### 1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, \_\_\_\_\_, is a citizen of the State of  
(Plaintiff's name)

\_\_\_\_\_  
(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

\_\_\_\_\_  
If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, \_\_\_\_\_, is a citizen of the State of  
(Defendant's name)

\_\_\_\_\_  
or, if not lawfully admitted for permanent residence in the United States, a citizen or  
subject of the foreign state of \_\_\_\_\_.

If the defendant is a corporation:

The defendant, \_\_\_\_\_, is incorporated under the laws of  
the State of \_\_\_\_\_

and has its principal place of business in the State of \_\_\_\_\_

or is incorporated under the laws of (foreign state) \_\_\_\_\_

and has its principal place of business in \_\_\_\_\_.

If more than one defendant is named in the complaint, attach additional pages providing  
information for each additional defendant.

## II. PARTIES

### A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional  
pages if needed.

<b>Guenevere</b>		<b>Perry</b>
First Name	Middle Initial	Last Name
<b>2855 Apalachee Pkwy Apt. 264F</b>		
Street Address		
<b>Leon, Tallahassee</b>	<b>FL</b>	<b>32301</b>
County, City	State	Zip Code
<b>404-360-0858</b>	<b>GPERRY1908@GMAIL.COM</b>	
Telephone Number	Email Address (if available)	

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1: Mary Ann Liebert Inc.

First Name

Last Name

Current Job Title (or other identifying information)

140 Huguenot St.

Current Work Address (or other address where defendant may be served)

New Rochelle

NY

10801-5215

County, City

State

Zip Code

Defendant 2: Georgia State Research Foundation

First Name

Last Name

Current Job Title (or other identifying information)

Physical Address: 58 Edgewood Ave (Mailing Address: P.O. Box 3987)

Current Work Address (or other address where defendant may be served)

Fulton, Atlanta

GA

30302

County, City

State

Zip Code

Defendant 3:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

**III. STATEMENT OF CLAIM**Place(s) of occurrence: New Rochelle, NYDate(s) of occurrence: Nov. 2014 to July 2017**FACTS:**

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

Plaintiff is accusing Mary Ann Liebert Publishing Company, of "Copyright Infringement".

The publishing company published an article written by Dr. George Pierce in Nov. 2014, in the article Dr. Pierce claimed discovery of a novel pathway used by prokaryotes to

delay the ripening process in climacteric fruit. The pathway was "the heart" of the paper

he provided data to support his novel discovery, but this pathway was already discovered by the plaintiff and detailed in an pathway figure included in her 2011 dissertation paper.

Georgia State University Research Foundation (GSURF) is the co-defendant in the case and accused of "Breach of Fiduciary Duty", "Contributory Infringement", & "Self-Dealing".

The infringement occurred to due the intentional acts of GSURF. The plaintiff entered a

an open access contract with GSURF to publish her manuscript on their website entitled

ScholarWorks@GeorgiaState in 2011. GSURF agreed to protect the plaintiffs work and her copyrights, but instead GSURF essentially leased her property to Dr. Pierce without

the plaintiff's written or expressed consent. Dr. Pierce preceded to act as the copyrighted owner and gave the plaintiffs pathway to another student to publish in her dissertation.

The plaintiff claims GSURF was notified of the infringement and plagiarism via email correspondence and via federal agency notifications in April and May of 2014. GSURF allowed Dr. Pierce to submit the novel pathway in a new manuscript and a sign authorship contract to Mary Ann Liebert on behalf of GSURF, knowing GSURF declined an internal investigation of accusations of plagiarism and infringement. The plaintiff alleges GSURF wanted to use the established credentials & reputation of the Mary Ann to confirm Dr. Pierce's copyright ownership of the pathway. GSURF knew the actions could cause liabilities, injuries, monetary damages, and reputation damages attributed to an infringement claim in the state of New York, for possible financial gains. The signed authorship contract allows both parties to accept liabilities.

#### **INJURIES:**

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Mary Ann Liebert has a global audience that reached a far wider audience than the plaintiff's audience with GSURF. Such a vast dissemination has caused the plaintiff to sustain numerous injuries including the loss of marketing for a novel discovery in her own manuscript, loss of career and academic privileges attributed with such a discovery, legal fees, and negative impact to patented intellectual property attached to manuscript.

#### **IV. RELIEF**

State briefly what money damages or other relief you want the court to order.

The plaintiff is seeking actual and statutory damages from the defendants up to the maximum of legal fine of \$300,000.00.

**V. PLAINTIFF'S CERTIFICATION AND WARNINGS**

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

07/17/2017

Dated

Guenevere

Plaintiff's Signature

Perry

First Name

Middle Initial

Last Name

2855 Apalachee Pkwy Apt. 264F

Street Address

Leon, Tallahassee

FL

32301

County, City

State

Zip Code

404-360-0858

GPERRY1908@GMAIL.COM

Telephone Number

Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.



**United States District Court  
Southern District of New York**

## **Pro Se (Nonprisoner) Consent to Receive Documents Electronically**

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER<sup>1</sup> at [www.pacer.uscourts.gov](http://www.pacer.uscourts.gov) or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one "free look" at the document by clicking on the hyperlinked document number in the e-mail.<sup>2</sup> Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first "free look" or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the "free look" to avoid future charges.*

### **IMPORTANT NOTICE**

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court's Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your "free look" and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.<sup>3</sup>

<sup>1</sup> Public Access to Court Electronic Records (PACER) ([www.pacer.uscourts.gov](http://www.pacer.uscourts.gov)) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

<sup>2</sup> You must review the Court's actual order, decree, or judgment and not rely on the description in the email notice alone. See ECF Rule 4.3

<sup>3</sup> The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk's Office at the Court.



## COPYRIGHT INFRINGEMENT EVIDENCE

The documents on the images from the journal article accused of copyright infringement.

**Primary Author:** Dr. George Pierce, PhD

**Article Title:** Delayed ripening of climacteric fruit by catalyst prepared from induced cells of *Rhodococcus rhodochrous* DAP 96253: A case for the biological modulation of Yang –Cycle driven process in prokaryotes.

**Journal:** Industrial Biotechnology

**Manuscript Owner & Publisher:** Mary Ann Liebert Inc.

**Author Employer:** Georgia State University

**Manuscript Co-Owner:** Georgia State University Research Foundation

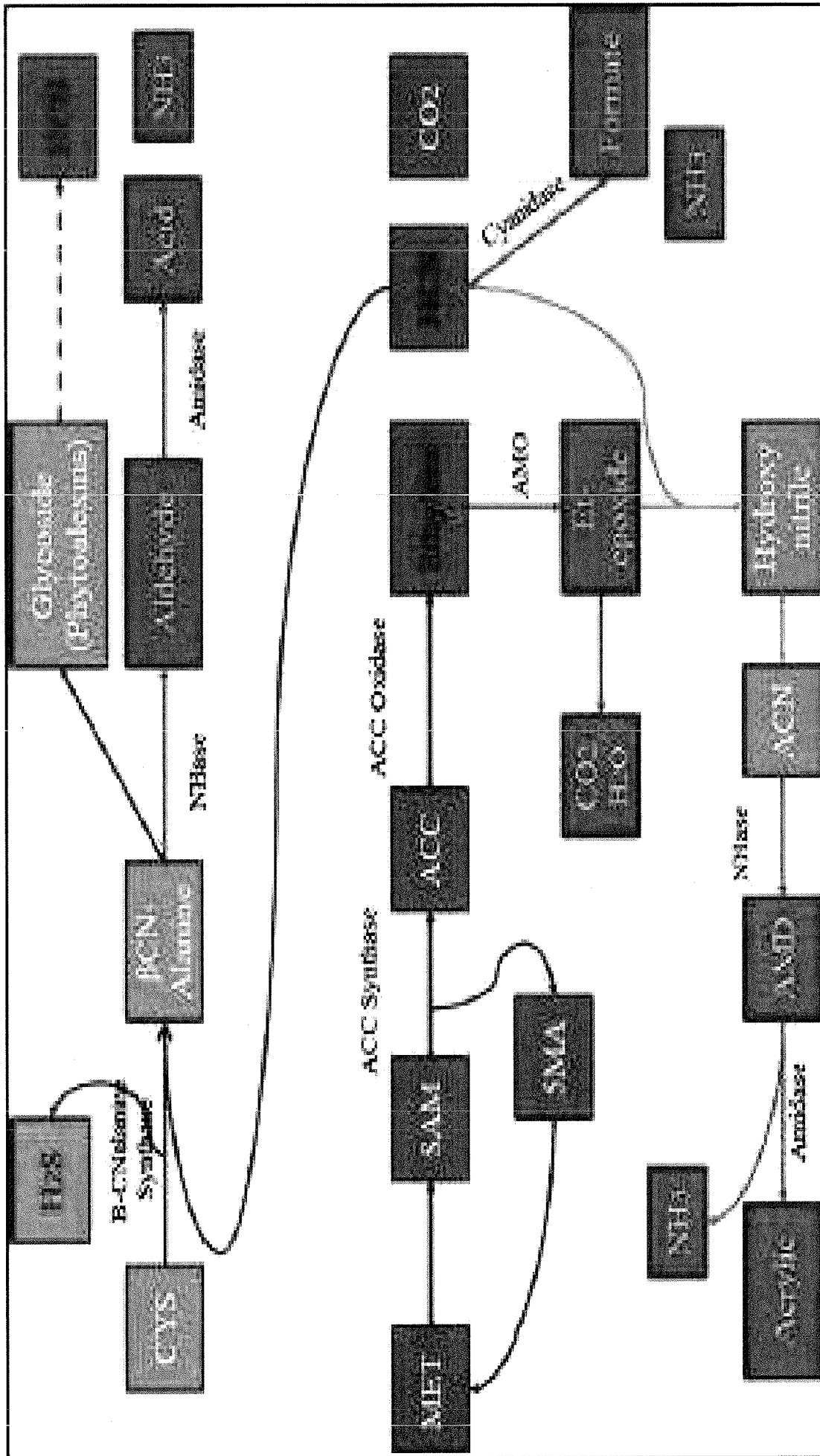
**Page 2:** Copy of pathway in question.

**Page 3:** Copy of plaintiff's pathway

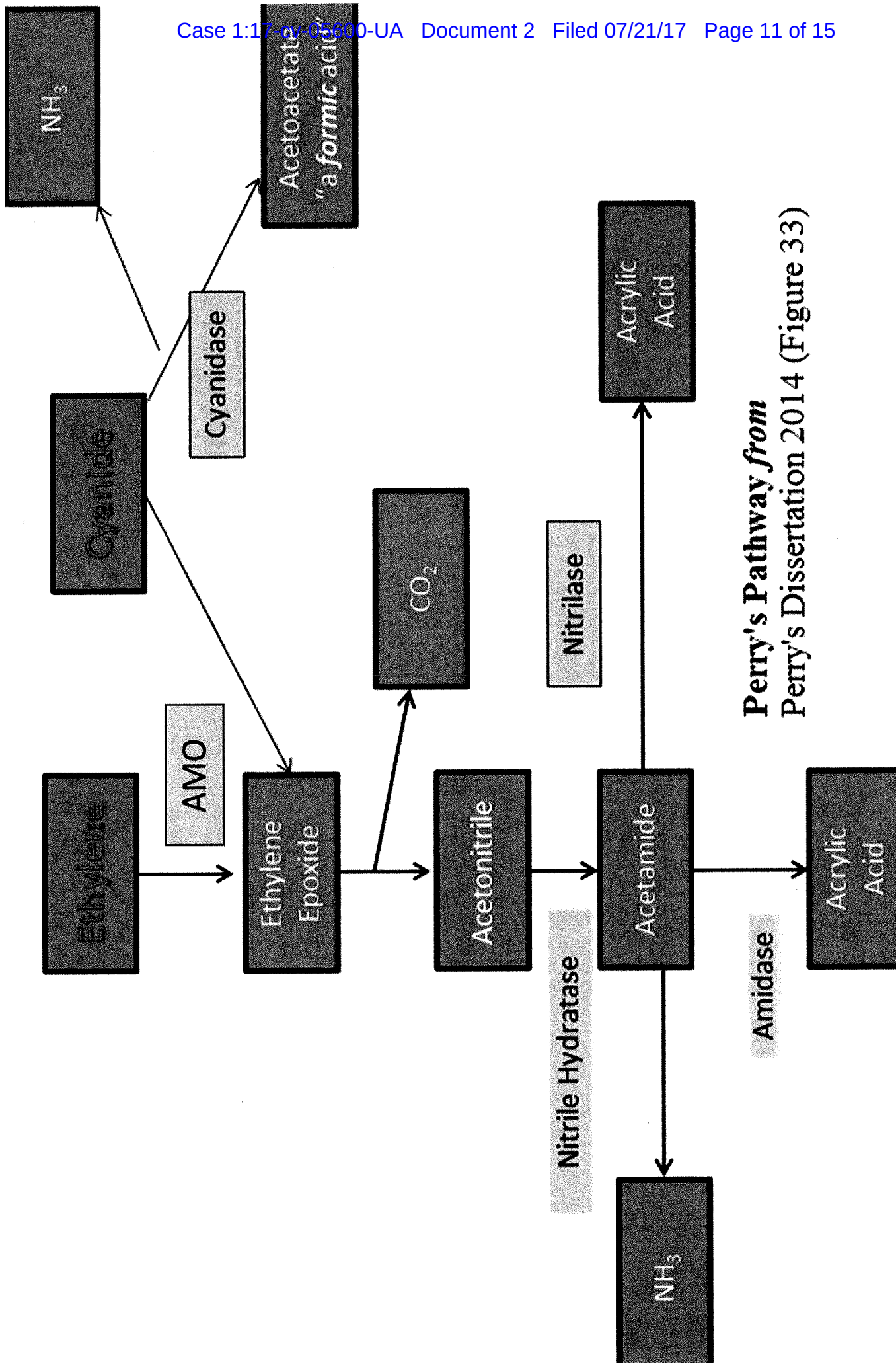
**Page 4:** Copy of Copyright Filing

**Page 6:** Copy of plaintiff's copyright pathway.

**Page 7:** Copy of EEOC complaint filing







**ENHANCING THE EXPRESSION OF ENZYMES USED TO DEGRADE HYDROCARBONS AND...**

**Type of Work:** Entry not found

**Registration Number / Date:** TX0007975301 / 2014-06-10

**Application Title:** ENHANCING THE EXPRESSION OF ENZYMES USED TO DEGRADE HYDROCARBONS AND CYANOHYDRINS IN RHODOCOCCUS sp. DAP 96253 BY USING INDUCERS SUCH AS COBALT, UREA AND PROPYLENE GAS; ALSO ENHANCES THE ABILITY OF THE BACTERIA TO DELAY THE RIPENING OF SEVERAL FRUIT SPECIES.

**Title:** ENHANCING THE EXPRESSION OF ENZYMES USED TO DEGRADE HYDROCARBONS AND CYANOHYDRINS IN RHODOCOCCUS sp. DAP 96253 BY USING INDUCERS SUCH AS COBALT, UREA AND PROPYLENE GAS; ALSO ENHANCES THE ABILITY OF THE BACTERIA TO DELAY THE RIPENING OF SEVERAL FRUIT SPECIES.

**Description:** Electronic file (eService)

**Copyright Claimant:** Guenevere Perry. Address: 3620 Victory St, Albany, GA, 31721, United States.

**Date of Creation:** 2011

**Date of Publication:** 2013-08-15

**Nation of First Publication:** United States

**Authorship on Application:** Guenevere Perry; Domicile: United States; Citizenship: United States. Authorship: text, photograph(s), editing, artwork.

**Rights and Permissions:** Guenevere Perry, G&A Innovative Solutions, LLC, P.O. Box 5781, Albany, GA, 31726, United States, (678) 756-4832, (678) 756-4832, gperry98@hotmail.com

**Names:** Perry, Guenevere



**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA  
☒ EEOC

410-2014-03165

and EEOC

State or local Agency, if any

Name (Indicate Mr., Mrs., Mfrs.)

**Guenevere D. Perry**

Home Phone (Incl. Area Code)

(678) 756-4832

Date of Birth

09-25-1979

Street Address

**3620 Victory Street, Albany, GA 31721**

City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**GEORGIA STATE UNIVERSITY**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(404) 413-2000**

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE

☐ RETALIATION

☐ COLOR

☐ SEX

☐ AGE

☐ OTHER (Specify)

☐ DISABILITY

☐ RELIGION

☐ NATIONAL ORIGIN

☐ GENETIC INFORMATION

DATE(S) DISCRIMINATION TOOK PLACE  
Earliest Latest

08-20-2007 04-21-2014

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s).)

I was hired with the above-named employer as a Graduate Research Assistant in August 2007. On or around August 20, 2007, to December 13, 2011, I earned less in stipends than anyone in the PHD program. I complained to the above-named employer about receiving a less stipend on several occasions. From June 30, 2011, to the present, I have been subjected to harassment and bullying by my Advisor, George Pierce (White). Mr. Pierce has denied me a publication and patent right which has hindered me from future employment in my field. I complained on numerous occasions about the harassment and bullying to Office of Graduate Affairs, Dean of Arts and Sciences, Biology Chair and legal. No action has been taken regarding my complaints.

I believe that I have been discriminated against because of my race (African American), and in retaliation for complaining internally, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Apr 21, 2014

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I am not a party to this charge and that it is true to the best of my knowledge, information and belief.  
SIGNATURE OF COMPLAINANT

APR 21 2014  
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

EEOC-ATDO



earthsmart

FedEx carbon-neutral  
envelope shipping

Align top of FedEx Express shipping label here.

ORIGIN ID: TLHA (404) 360-0858  
GUEN PERRY  
2855 APALACHEE PKWY  
APT 264 F  
TALLAHASSEE, FL 32301  
UNITED STATES US

SHIP DATE: 19 JUL 17  
ACTWGT: 0.50 LB  
CAD: 6995894/SSF01802

BILL CREDIT CARD

TO PRO SE DEPARTMENT  
PRO SE INTAKE UNIT  
500 PEARL ST  
RM 200  
NEW YORK NY 10007

(212) 806-0176  
REF:

REF:

DEPT:



FedEx  
Express



TRK# 7872 2550 5657  
0201

FRI - 21 JUL 4:30P  
\*\* 2DAY \*\*

SA PCTA

10007  
NY-US EWR



USPS  
USPS

Express

FedEx